UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/678,902	10/04/2000	David M. Modest	6208-9	7225

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EXAMINER
VIG, NARESH

ART UNIT	PAPER NUMBER
3629	

DATE MAILED: 05/19/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 10/03)

	Application No.	Applicant(s)
	09/678,902	MODEST, DAVID M.
Office Action Summary	Examiner	Art Unit
	Naresh Vig	3629

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) FROM
THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed
  after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any
  earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *26 February 2004*.
2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.
3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is
    closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1 – 4, 8 – 21 and 25 – 34* is/are pending in the application.
    4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5)☐ Claim(s) _____ is/are allowed.
6)☒ Claim(s) *1 – 4, 8 – 21 and 25 – 34* is/are rejected.
7)☐ Claim(s) _____ is/are objected to.
8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.
10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.
    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
    a)☐ All   b)☐ Some * c)☐ None of:
    1.☐ Certified copies of the priority documents have been received.
    2.☐ Certified copies of the priority documents have been received in Application No. _____.
    3.☐ Copies of the certified copies of the priority documents have been received in this National Stage
        application from the International Bureau (PCT Rule 17.2(a)).
    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
   Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413)
   Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

This is in reference to response received on 26 February 2004 to the office action
mailed on 26 September 2003. Amendment to claims 1, 12, 18, 29 and 32 – 34 is
acknowledged and considered. There are 28 claims, claims 1 – 4, 8 – 21 and 25 – 34
pending for examination.

Response to Arguments

In response to applicant's argument that there is no suggestion to combine the
references, the examiner recognizes that obviousness can only be established by
combining or modifying the teachings of the prior art to produce the claimed invention
where there is some teaching, suggestion, or motivation to do so found either in the
references themselves or in the knowledge generally available to one of ordinary skill in
the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988)and *In re
Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992). In this case, IntelliChild
teaches simultaneously sizing sectors according to their respective weights within
financial indicators (pie chart). If the user wants to track each region separately, then
the user can open multiple tiled windows (commercially available at the time of invention
in operating system like MS Windows) and open a pie chart representing a region in
individual windows. Official notice it taken that it would have been obvious to one of

ordinary skill in the art at the time the invention was made that it is a design choice to

design user interface to display information.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set
> forth in section 102 of this title, if the differences between the subject matter sought to be patented and
> the prior art are such that the subject matter as a whole would have been obvious at the time the
> invention was made to a person having ordinary skill in the art to which said subject matter pertains.
> Patentability shall not be negatived by the manner in which the invention was made.

Claims 1 – 4, 8 – 21, and 25 – 34 are rejected under 35 U.S.C. 103(a) as being

unpatentable over Marshall US Patent 5,774,878 in view of SmartMoney.com

hereinafter known as SmartMoney in further view of Datek Online supported by an

article from PRNewsWire "Streamer Free Real-Time Stock Quote Service Registers

12,000 Users" hereinafter known as Datek and Internet Sample Business Plan by

InteliChild.com hereinafter known as InteliChild.

Regarding claims 1 and 18, Marshall discloses system and method techniques to

allow money managers and financial analysts to easily view otherwise unmanageable

amounts of complex information and in particular, financial information about financial

markets such as information about equities, commodities, currencies, derivatives and

their related markets [col. 3, lines 40 – 45]. Further, the user is able to use the virtual

reality world generated by the present invention to funnel information and trends from

various sources into one object of the virtual reality world [col. 4, lines 1 – 4].

Marshall discloses displaying a map including geographic region [Fig. 3a].

Marshall discloses to simultaneously display on the map visual indicators that

represent financial instruments [Fig. 3a]. Marshall does not disclose indicators to

represent status of financial indicators. PRN discloses that Datek Online began giving

away Streamer to their customers on October 9, 1999. Streamer is the first free real-

time streaming stock quote service made available by a brokerage firm to anyone with

an Internet connection. Streamer allows investors to track bid, ask and last prices as

well as percent change and other information for up to 40 stocks simultaneously.

Investors also can set Streamer to alert them when stocks reach their price targets.

Streamer has simple controls and is easy to operate. In addition, users can customize

Streamer's colors, font size and other settings, including the ability to display quotes as

decimals instead of fractions, to optimize their use. Official notice it taken that it is

known to one of ordinary skill in the art at the time the invention was made that

Streamer uses color indicators and uses color to inform users change in direction of

prices for financial instrument, or uses line graph to display the status of the stock with

the direction of graph going up or down to inform users change in direction of prices for

financial instrument. SmartMoney discloses system and method to display status of

financial indicators [pages 9 – 11]. Therefore, it would have been obvious to one of

ordinary skill in the art at the time the invention was made to display status of financial

instruments to help the user decide what course of direction to take in response to the market movement.

Marshall in view of SmartMoney does not teach each of said plurality of sectors has a size and weighting in the financial indicator, wherein said size of said plurality of sectors is proportional to said weighting of each of said plurality of sectors, respectively (e.g. pie chart). However, InteliChild teaches each of said plurality of sectors has a size and weighting in the financial indicator, wherein said size of said plurality of sectors is proportional to said weighting of each of said plurality of sectors, respectively (e.g. pie chart) [page 8]. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Marshall in view SmartMoney as taught by InteliChild to inform the user that the effect of one financial commodity to the whole portfolio.

Regarding claims 2 and 19 Marshall discloses that an axis display parameter 48 allows the user to set the Z-axis (sometimes called the vertical axis) of the three dimensional virtual reality world. (The X-axis and and Y-axis are set as discussed below with reference to FIG. 11.) Generally, the three axes can represent any category of financial information. For example, one axis can be set to represent countries, a second axis can be set to represent industry groups and a third axis can be set to represent price changes. Alternatively, the user could set the first axis to define two stock markets, for example New York and Tokyo, the second axis to represent two types of stocks, for

example utilities and financial, and the third axis to represent percentage change in

value of the stock over any user defined time period (col. 11, lines 33 – 50).

Regarding claims 3 and 20, Marshall discloses that the virtual reality generator

can dynamically display and continuously update the virtual reality world (abstract).

Regarding claims 4 and 21, Marshall discloses that the CAPRI analytic system

allows a user to define areas of interest from large areas of financial information, and

then create price and volume charts for any stock issue, including futures, stocks,

indexes, currencies, bonds and commodities (col. 5, lines 9 – 13).

Regarding claims 8 – 11 and 25 – 28, Marshall discloses a color display

parameter 44 may be set to indicate, for example, companies making a profit or a loss.

Thus, a blue metaphor in the virtual reality world may represent a company making a

profit and a red metaphor may represent a company making a loss. (The colors of the

metaphors can be of various shadings, representing degrees of profit and loss.) A

textures display parameter 46 allows the user to set identifying symbols for each object

in the virtual reality world (col. 10, lines 29 – 59). Marshall does not disclose color

associate with change in percentage. However, Marshall discloses that several

incoming data streams can be the source of the financial information for one virtual

reality world. As the financial data changes, the position, shape, color and texture of the

metaphors in the virtual reality world also change (col. 6, lines 49 – 55). PRN discloses

that Datek Online began giving away Streamer to their customers on October 9, 1999.

Streamer is the first free real-time streaming stock quote service made available by a

brokerage firm to anyone with an Internet connection. Streamer allows investors to track

bid, ask and last prices as well as percent change and other information for up to 40

stocks simultaneously. Investors also can set Streamer to alert them when stocks reach

their price targets. Streamer has simple controls and is easy to operate. In addition,

users can customize Streamer's colors, font size and other settings, including the ability

to display quotes as decimals instead of fractions, to optimize their use. Official notice it

taken that it is known to one of ordinary skill in the art at the time the invention was

made that Streamer uses color indicators and uses color to inform users change in

direction of prices for financial instrument, or uses line graph to display the status of the

stock with the direction of graph going up or down to inform users change in direction of

prices for financial instrument. Therefore, it would have been obvious to one of ordinary

skill in the art at the time the invention was made to use different color to identify

directional changes in profit and loss to help the investor visually analyze the trend in

price changes. Marshall discloses that the shapes, colors, positions, animations and

textures of the metaphors can be selected by the user to represent different

characteristics of the financial data (col. 6, 46 – 49).

Regarding claims 12 and 29, Marshall discloses map including second

geographic region with indicators representing financial activity in that region, plurality of

sectors including plurality of financial instruments.

Marshall discloses displaying a map including second geographic region [Fig.

3a]. Marshall discloses to simultaneously display on the map visual indicators that

represent financial instruments [Fig. 3a]. Marshall does not disclose indicators to

represent status of financial indicators. PRN discloses that Datek Online began giving

away Streamer to their customers on October 9, 1999. Streamer is the first free real-

time streaming stock quote service made available by a brokerage firm to anyone with

an Internet connection. Streamer allows investors to track bid, ask and last prices as

well as percent change and other information for up to 40 stocks simultaneously.

Investors also can set Streamer to alert them when stocks reach their price targets.

Streamer has simple controls and is easy to operate. In addition, users can customize

Streamer's colors, font size and other settings, including the ability to display quotes as

decimals instead of fractions, to optimize their use. Official notice it taken that it is

known to one of ordinary skill in the art at the time the invention was made that

Streamer uses color indicators and uses color to inform users change in direction of

prices for financial instrument, or uses line graph to display the status of the stock with

the direction of graph going up or down to inform users change in direction of prices for

financial instrument. SmartMoney discloses system and method to display status of

financial indicators [pages 9 – 11]. Therefore, it would have been obvious to one of

ordinary skill in the art at the time the invention was made to display status of financial instruments to help the user decide what course of direction to take in response to the market movement.

Marshall in view of SmartMoney does not teach each of said plurality of sectors included in said second financial indicator has a size and a weighting in said second financial indicator, wherein said size of each of said plurality or sectors included in said financial indicator is proportional to said weighting in said second financial indicator, respectively (e.g. pie chart). However, InteliChild teaches each of said plurality of sectors included in said second financial indicator has a size and a weighting in said second financial indicator, wherein said size of each of said plurality or sectors included in said financial indicator is proportional to said weighting in said second financial indicator, respectively is proportional to said weighting of each of said plurality of sectors, respectively (e.g. pie chart) [page 8]. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Marshall in view SmartMoney as taught by InteliChild to inform the user that the effect of one financial commodity to the whole portfolio.

wherein each of said plurality of sectors included in said second financial indicator has a size and a weighting in said second financial indicator, wherein said size of each of said plurality or sectors included in said financial indicator is proportional to said weighting in said second financial indicator, respectively.

Regarding claims 13 and 30, Marshall claim that its virtual reality generator of claim 14 wherein each one of the plurality of metaphors have shape, size, position, behavior and color to represent financial information concerning one of the plurality of stocks [claim 15]. Marshall does not disclose size of geographical region proportional in size. Official notice it taken that it is known to one of ordinary skill in the art at the time the invention was made that pie chart is a type of chart that businesses use to identify different instruments with their size of the pie (geographical map) proportional their value in the whole pie. SmartMoney discloses to use proportional sizes to identify financial instruments [pages 11, 14, 17]. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to display the information also indicating the size of the financial instrument in the whole portfolio of keep the user informed about the share (percentage) of the financial instrument in the whole portfolio.

Regarding claims 14 and 31, applicant discloses that economic data may include, by way of non-limiting example, the gross domestic product for a particular country, the country's population and the currency used in that country [page7, lines 4 – 6]. Marshall discloses to allow money managers and financial analysts to easily view otherwise unmanageable amounts of complex information and in particular, financial information about financial markets such as information about equities, commodities, currencies, derivatives and their related markets. Official notice it taken that it would

have been obvious to one of ordinary skill in the art at the time the invention was made that is a business choice to select what information should be displayed on the reporting screen (geographical map). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to display currency used in the country on Fig. 3a of Marshall to help the user make the decision when there is a move in the currency price.

Regarding claims 15 – 17 and 32 – 34, Marshall does not disclose to use numbers as visual indicator. Both SmartMoney [page 3] and Datek [page 1] disclose using number for visual indicator. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to use number for visual indicator to display the actual value of the financial instrument.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Naresh Vig whose telephone number is 703.305.3372. The examiner can normally be reached on M-F 7:30 - 5:00 (Alt Friday off).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Weiss can be reached on 703.308.2702. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the

Patent Application Information Retrieval (PAIR) system. Status information for

published applications may be obtained from either Private PAIR or Public PAIR.

Status information for unpublished applications is available through Private PAIR only.

For more information about the PAIR system, see http://pair-direct.uspto.gov. Should

you have questions on access to the Private PAIR system, contact the Electronic

Business Center (EBC) at 866-217-9197 (toll-free).

Naresh Vig
May 17, 2004

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